

Limited Liability Company (LLC) Filing Instructions

G.L. c. 142, §3B allows a plumber to obtain a corporation or partnership license in order to practice the profession utilizing an organizational structure containing benefits with regards to taxation and liabilities, debts or other obligations. This statute was written several decades prior to the enactment of Chapter 281 of the Acts of 1995 which created limited liability companies ("LLC's"). The legislature has long intended that plumbing may only be performed by a licensed "person", which includes a corporation and an LLC. (G.L. c. 142 §3 and G.L. c. 4, §7, Twenty-third). Therefore, since LLC's were intended to be able to carry on any lawful business, trade, profession, purpose or activity, and since the practice of an LLC without a license would constitute illegal practice, the Board will consider an LLC a corporation for purposes of G.L. c. 142, §3B, thus allowing LLC's to engage in the practice of plumbing.

Acceptance of a Plumbing Certificate by an LLC is subject to the following policies and shall be presented at the time of application before the issuance of a Plumbing Certificate:

1. A copy of the Certificate of Organization, that was filed, signed and stamped by the Secretary of State for the Commonwealth of Massachusetts, must be presented with your application.
2. The installation of plumbing work must be specifically stated and documented as one of the professional services the LLC shall render on the Certificate of Organization that is submitted.
3. The master plumber to whom the Plumbing Certificate is to be issued (a copy of which must be provided to the Secretary of State's Office) must be named as a Manager of the LLC (as defined in G.L. c. 156C, §2) on the documents submitted, stamped, and adopted by the Secretary of State,
4. A fee of \$225, made payable to the Commonwealth of Massachusetts, must accompany the application before the issuance of an initial Plumbing Certificate.

NOTE

- The Board may utilize similar forms for LLC's and corporations, this is only to reflect the Board's interpretation of G.L. c. 142, §3B referenced above.
- A new application must be filed for an existing LLC that is changing the current master plumber who is the Manager on record. This application must contain the following:
 - a) A notarized letter from the former master plumber stating resignation, termination, or disassociation from the LLC;
 - b) The **current** license issued to the LLC must be surrendered to the Board's office;
 - c) A copy of the certificate of change of manager or such other form as required by the Secretary of State's Office; and
 - d) Include the original and new Certificate of Organization

IMPORTANT

When changing master plumbers, the current certificate issued to an LLC in the former master plumbers name must be returned to the Board, or its designee, for review.

Name of LLC

Signature of Master Plumber

Title_____Lic.No._____

I hereby certify, under penalty of perjury, that I am a Manager of the LLC named herein, organized under the laws of the Commonwealth of Massachusetts to engage in the business of plumbing, and that this LLC is duly recorded with the office of the Secretary of State for the Commonwealth of Massachusetts. I am enclosing a copy of the charter/certificate of incorporation filed with the Secretary of State and hereby agree to notify the Board of State Examiners of Plumbers and Gasfitters at once of any change in the licensed Manager of the LLC. Pursuant to M. G. L. Ch.62C sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief have filed all state tax returns and paid all state taxes required by law.

AFFIDAVIT THE COMMONWEALTH OF MASSACHUSETTS

County of_____ (Date) _____ 20_____

Personally appeared the above named_____ on behalf of the aforementioned LLC and being duly sworn, deposed and says that he is the person named therein, and who signed the foregoing application, and that the statements contained herein are true.

NOTARIAL
SEAL